

In the Public Interest

Volume 2 | Number 1

Article 8

10-1-1980

Mr. Justice Nixon

Martin Miller

University at Buffalo School of Law (Student)

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/itpi>



Part of the [Supreme Court of the United States Commons](#)

Recommended Citation

Martin Miller, *Mr. Justice Nixon*, 2 Buff. Envtl. L.J. 24 (1980).

Available at: <https://digitalcommons.law.buffalo.edu/itpi/vol2/iss1/8>

This Article is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in In the Public Interest by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

Mr. Justice Nixon

By Martin Miller

Richard Nixon on the United States Supreme Court? It may not be as ridiculous as it seems at first glance.

Many of the justices on the Supreme Court are nearing retirement age and there has been considerable discussion about what type of individuals will replace them.

The next administration might have as many as three or even four vacancies to fill on the Supreme bench. One of those spots just may be for Richard M. Nixon.

There is, don't forget, precedent for having a former president serve on the Supreme Court. President Taft was on the Supreme Court from 1921 to 1930, serving as Chief Justice.

Before you dismiss this as a flight of high fantasy or a bad joke consider the list of factors Mr. Nixon has in his favor.

First of all Nixon is a lawyer, sure he's been disbarred; but once a lawyer, always a lawyer. He can find his way around court reporters and understand law clerks' briefs and that's the most important skill.

As for the question of previous judicial experience, sure Mr. Nixon never served on the bench before, but neither did Justices Douglas or Rehnquist, as well as many other Justices in the past.

Another big plus for the former president as a candidate for the Supreme Court is that four of the men already on that Court are his appointees, the chief justice included. Those four men, Justices Burger, Powell, Blackmun and Rehnquist owe their prestigious tenured positions to R. M. Nixon. So Mr. Nixon should have little trouble getting along with at least four of his potential colleagues.

Many times in the past presidents have appointed people to the Supreme Court who have seemed to hold views similar to their own only to have them, then, turn around and shock the hell out of an unbelieving chief executive. When a mellow Dwight Eisenhower appointed the rather middle-of-the-road Earl Warren, who would have dreamed of the decision in Brown v. Board of Education? When President Nixon appointed Warren Burger he certainly didn't expect to see busing orders come out of the Supreme Court.

But, a president who appoints Richard Nixon will have no worries about closet liberalism. Everyone knows what R. M. Nixon feels on the subjects of the day. No surprises. For instance, anyone familiar with Richard Nixon's views would know how he would stand on school busing questions. On the subject of First Amendment Freedom of the Press and the role of the media in society, Mr. Nixon's feelings would be obvious to anyone who remembers the events leading up to his resignation from the presidency only a few short years ago.



Another thing to consider before dismissing the idea of a Mr. Justice Nixon is the new ideological and party make up of the U.S. Senate. The Senate has definitely taken a conservative and Republican swing in the last election. Old time liberals have fallen by the wayside and Richard Nixon might just be more palatable to this senate than the last one.

Finally, the role of Supreme Court Justice seems to have been designed for Mr. Nixon; the justices deliberate in secret, the trappings, dignity and ceremony of the highest Court should appeal to a man famed for having had an "Imperial Presidency," and the black robes would also be good for a man who always looked best in dark suits.

Quite an impressive resume for one R. M. Nixon? But, before you smile smugly, ask yourself just what criteria are used to choose the nine people who have such a long lasting effect on our society. ●